

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In Re:
JAMES STEPHEN OSIECZONEK
KAREN RUTH OSIECZONEK
Debtor(s)

Chapter 13 Bankruptcy

Case No. 13-23443-MDM

**TRUSTEE'S OBJECTION AND NOTICE OF OBJECTION
TO DEBTORS' PROPOSED CHAPTER 13 PLAN**

Mary B. Grossman, Standing Chapter 13 Trustee has filed papers with the court objecting to the modified plan filed by the debtor.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

The Trustee, Mary B. Grossman, hereby objects to the proposed modification of the Chapter 13 Plan in this bankruptcy proceeding for the following reason(s):

- ☐ The proposed plan is not substantiated by a budget.
- ☐ This proposed plan does not provide for a feasible plan.
- ☐ The plan does not provide for the submission of all or such portion of future earnings or other future income of the debtor to the supervision and control of the Trustee as is necessary for the execution of the Plan. 11 U.S.C. §1322(a)(1).
- ☐ The plan does not provide for the full payment, in deferred cash payments, of all claims entitled to priority under 11 U.S.C. §507. 11 U.S.C. §1322(a)(2).
- ☐ The plan does not provide for the same treatment for each claim within a particular class. 11 U.S.C. §1322(a)(3).
- ☐ The plan has not been proposed in good faith. 11 U.S.C. §1325(a)(3).
- ☐ Failure to pay all disposable income as required by §1325(b).
- ☒ Failure to properly serve post-confirmation plan modification as required by Rule 3015(g).
- ☒ Other: The Court mailing matrix lists a total of 50 creditors, the service list filed by the Debtors lists 10 parties that receive electronic notice and 30 creditors who received notice via first class mail for a total of 40. It appears that not all creditors were served with the plan modification.

The Trustee respectfully requests that a hearing be set in this matter.

Dated at Milwaukee, Wisconsin, this 20th day of November 2013

OFFICE OF CHAPTER 13 TRUSTEE

/s/ _____
Mary B. Grossman, Chapter 13 Trustee
Rebecca Rogers Garcia, Staff Attorney
Jack N. Zaharopoulos, Staff Attorney

P.O. ADDRESS:
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Chapter 13 Bankruptcy

In Re: JAMES STEPHEN OSIECZONEK
KAREN RUTH OSIECZONEK

Debtors

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**CERTIFICATE OF SERVICE – TRUSTEE’S OBJECTION AND NOTICE OF OBJECTION
TO DEBTORS’ PROPOSED CHAPTER 13 PLAN**

The undersigned being first duly sworn on oath, deposes and says that on this date she electronically or conventionally served a copy of the attached Notice of Objection to Debtor’s proposed Chapter 13 Plan in accordance with FRBP and FRCP (5)(b)(2)(D) .

Dated: November 20, 2013

/s/ _____
Tongula Washington
Administrative Assistant to
Mary B. Grossman, Chapter 13 Trustee
P.O. Box 510920
Milwaukee, WI 53203
(414) 271-3943

CONVENTIONAL MAIL RECIPIENTS:

Debtor(s):

JAMES STEPHEN OSIECZONEK &
KAREN RUTH OSIECZONEK
1719 CENTER ROAD
WAUKESHA, WI 53189

ELECTRONIC MAIL RECIPIENTS:

MUSKEGO LEGAL CENTER LLP
OFFICE OF THE US TRUSTEE